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SPEECH

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OF

JAMES S. ROLLINS, OF BOONE COUNTY.

DELIVERED IN JOINT SESSION OF THE SENATE AND HOUSE
OF REPRESENTATIVES, PENDING THE ELECTION
FOR UNITED STATES SENATOR,
FEBRUARY 2d, 1855.

IN REPLY TO

MR. GOODE, OF ST. LOUIS.

JEFFERSON CITY:
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S P E E C H.

Mr. ROLLINS said: I feel called upon to reply to the very remarkable speech, which the gentleman from St. Louis has just closed, and the delivery of which has occupied the attention of this joint session for nearly two days. That gentleman, professing to be a Whig, had made upon me a most uncalled for attack. I have said nothing, and done nothing, that would justify him in the unwarrantable course which he has thought proper to pursue. A few days since, prompted by a sense of duty, and for the purpose of promoting the election of the Whig candidate to the Senate, I made a few remarks, explaining my position upon many of the various political questions which have been discussed here, and for the purpose of vindicating the political party of which I am an humble member. Certainly, sir, I did not mean to say anything offensive to any one, and least of all to the gentlemen whose co-operation I desired, and with whom it was my sincere wish to act in harmony, in the promotion of a common cause. I think I can safely appeal to every genuine Whig on this floor, and ask their endorsement of every opinion which I have advanced, and of every principle which I have attempted to vindicate, in the remarks which have given such great offense to the gentleman from St. Louis, (Mr. Goode.) Sir, he has traveled over a wide field of political history, he has read authority upon authority, which in very many instances had no application, whatever, to the points in issue. The gentleman had continued to pour forth his "everlasting flood" of words for the eight long hours which he consumed in the joint session, dealing in arguments fallacious and contradictory, denying the truth of history, asserting propositions which he could not maintain, and advocating doctrines revolting to the sound judgment of every man, till his whole speech looked to him:

"Like the tale of an idiot,
Full of sound and fury, signifying nothing."

I had long heard of the lofty reputation of the gentleman from St. Louis, as a Constitutional Lawyer! Having heard him upon the constitutional question which he investigated with so much *gentleness and research*, and expounded with so much *luminous force and perspicuity*, I have a still more *excited* opinion of his abilities! This morning he repudiated the question of the power of Congress to legislate upon slavery in the Territories, as a test of the orthodoxy of a Whig. In caucus he made the declaration that he would not vote for any man who admitted the existence of the power. It is difficult to reconcile the declaration in caucus, with his declaration in this hall. But the gentleman contends that those who admit that Congress has the power, would, if in that assembly, urge it on, to the exercise of that power; that those who deem that Congress has the power to legislate upon slavery in the Territories, would support that body in its exercise of that power, even though it legislated slavery out of the Territories. It will be admitted that Congress has the power to declare war. That power is not questioned: and, would I, if I were in Congress, or any other gentleman, feel bound without just cause to vote for putting it into operation? The power of increasing the army and navy is conferred upon Congress by the Constitution, and if it were proposed to increase the army to 100,000 strong, should I, if I were a member of that body, support the proposition? What a monstrous principle! He takes the position that I must vote for the exercise of the power, because I admit its existence—that all considerations of right, policy or expediency can have no influence. Sir, the gentleman must know better! he is trifling with the good sense of this joint session, when he argues so absurd a proposition! I have said before, and I now repeat it, that many excellent Whigs deny the power. Many Whigs, denying that power, have been nominated for office by the Whig party, and they have received my earnest and cordial support. Even when the gentleman from St. Louis was censured for the avowals which he made in the Whig caucus, I defended him from the imputations which those avowals elicited. I placed the most charitable construction upon his rash and impolitic expressions, and was willing to believe, and willing to instill the same belief into the minds of others, that the gentleman was misunderstood. He has attributed to me, during his speech of eight hours, motives by which I am not governed, and principles which I do not recognize. If I chose to fight the gentleman with the same weapons which he has used—if I took the same liberty and pryed into the secrets of his breast, I might drag a purpose to the light which would not fortify his position as a Whig. Sir, I might charge him with making the attempt to destroy the Whig party—to betray it into the hands of the enemy. He has been for and against the test—he has made, not a Whig speech, but a Democratic speech. [Cries of "no! no!"] That characterization is repudiated. Well, then, I will say Anti-Benton speech—an Atchison speech. [Applause.] In and out of caucus, pri-

vately and publicly, he has striven to get released from his caucus obligations. He has labored to get absolved from his allegiance to Doniphan. For what purpose, I would ask? I will answer—that he might indulge the longings of his heart, and vote for David R. Atchison, unless gentlemen might discover a *better candidate*!

Mr. GOODE begged leave to ask the gentleman from Boone if he meant to charge him with designing the overthrow of the Whig party?

Mr. ROLLINS—Sir, I try him by his own test. I apply to his conduct the maxim he has made such liberal use of—that actions speak louder than words. These actions evince the gentleman's proclivities, and designate, not his *first*, but his choice of the other two candidates for the Senatorship. The gentleman has told us in his speech, "that Doniphan could not be elected," and in connection with this declaration, he has made an appeal to the "patricianism" of the Whigs to "*break through party ties and elect a Senator!*" What does he mean by the use of such language, if it is not his design to overthrow the Whig party?

Mr. President, the gentleman has accused me of aspiring to the Senatorship, and of desiring to supplant Col. Doniphan, as the candidate of the Whig party for that office. Sir, my name has been public property, in Missouri, for twenty years, and for that period of time, I have been doing what I could for the triumph of our cause and the prosperity of our party. In sunshine and in storm, in prosperity and in adversity—and the season of adversity has been much the longest—I have labored for that party, and I have never asked or sought an office at its hands. I cheerfully acquiesced in its decisions, and faithfully obeyed its behests.

Sir, a seat in the Senate would have no attractions for me, unless fairly won. There is, sir, but one honorable way to seek an office, and that is, to state your principles openly and manfully, throw yourself into the hands of your political friends, and abide whatever action they may choose to take. But, sir, there is another, I may say, a dishonorable way of seeking it: in the language of the gentleman from St. Louis, of "*creeping into the Senate!*" Sir, if I intended thus to seek the place I would endeavor to distract and divide my own party by introducing a test which would be repudiated by a great majority of that party, but which might separate from the main body some seven or eight calling themselves Southern Whigs. (Mr. Goode got eight votes for Speaker, at the commencement of the session, in Whig caucus.) If that did not succeed, I would labor day and night, to take down the nominee of my party—say Gen. Doniphan—in order that I, along with my seven or eight friends, might be cut loose, and be at liberty to play out the game I meditated. I would then hire myself out by the day to the opposing party, to advocate their opinions and lead their candidate, while the omission of his name and claims from my speech would show that my own candidate—I mean the candidate of my party—was so low that none would do him reverence; and after having done all this, I would turn my back on the party which I had betrayed, and with hat in hand, and with beseeching eyes, ask the party to which I had sold myself, if they did not discover in me the fittest person to wear the mantle of a Senator. [Great applause and laughter.]

Mr. BARNES rose and said, that if the gentleman from Boone counted him as one of the organization of the seven or eight he alluded to as Mr. Goode's friends, he was mistaken.

Mr. ROLLINS—I spoke of the seven or eight who were my friends.—[Renewed laughter.] I did not mean the gentleman from Scott, for he has so much of the milk of human kindness in his breast, that I think he would swallow even me, if I were nominated in caucus, and as to the organization of seven or eight, it has grown "small by degrees and beautifully less," until it is now an organization of one.

Sir, I would ask this assembly what are the claims of David R. Atchison upon the Whig party of Missouri? Has he not, for twenty-five years proved himself the untiring and unrelenting enemy of that party? Is he not the right hand man of an administration that has struck down every Whig official in the State? Has not the most intolerant proscription characterized the conduct of that administration in this State? and has not its ear been open to the counsels of David R. Atchison, and are not its actions the fruit of his promptings? What principles, sir, do the Whig party hold in common with David R. Atchison? Did he not sustain the message of President Pierce, vetoing the River and Harbor bill, in which large appropriations were made for rivers passing through and bordering upon our State? And is he not sustaining an administration which, by the veto of another bill, that for the relief of the indigent in-ane, the people of Missouri lost a grant of land, which would have amounted to 3 or 500,000 acres? A magnificent donation, intended by the Congressional majority who passed it, for the most benevolent and charitable of all purposes: the relief of those upon whom the hand of affliction had fallen, and whereby the light of reason and religion might again shine into the hearts of many, who were now an incubance to their friends and to their country?

I ask if that administration has not been the steady foe of the interests of the West, and more particularly of Missouri? Has it not lent its whole influence to break down the greatest project which will ever be open to the ambition of this State? I mean the Pacific Railroad on the Central Route. It has lent itself to the North and to the South to mar this great enterprise. And we find Atchison aiding and abetting that administration, and sustaining its action and endorsing its opinions. Mr. President, is this a time, when we are planting deep, great principles of National and State policy, to root them up by sending David R.

Atchison back to the Senate of the United States? His advocates identify him with the protection of one, and only of one institution. Is there only one institution to be protected? only one interest to be promoted? Even that institution is safer with Doniphan than with Atchison. The safety of that institution requires prudent and steady guardianship more than any other. It should not be entrusted to the hands of any zealot—of any man of extreme views and excitable temperament. We do not want fanatics, North or South, in Congress. Sir, it is manifest that Doniphan, if elected, would represent all the interests of Missouri, and not *one* only. But even on that one, I would ask what are the differences between Doniphan and Atchison? The gentleman from St. Louis had spoken of a party in Missouri that designed the abolition of slavery. I know of no such party. I know no member of such a party. The three candidates before the joint session—Atchison, Benton and Doniphan, occupy now precisely the same ground upon the Kansas-Nebraska bill. Each had declared against the repeal of that law, and in favor of admitting Kansas with or without slavery, as the people of that Territory may indicate in their Constitution, when they come to form a State government. Why then, sir, I ask, are such accusations made by the gentleman from St. Louis?

*"Spargere voces
In vulgum ambiguas."*

Yes sir, the object is to scatter suspicions among the people—to keep them in a state of agitation and alarm, in order that reckless demagogues may pluck promotion from their terrors, and wring that from their fears which would never be given by their love.

Mr. President, I was endeavoring to point out the distinction—wide and deep—between David R. Atchison and the Whig party. I dwelt briefly on the stern proscription of Whig officials, by that administration which is guided by Atchison in its action in Missouri. As an incident illustrating the character of that proscription, I shall refer to Thomas Mosley, a high-minded, manly and impetuous gentleman, who was well known in the State of Missouri, and esteemed wherever he was known, who held the office of an Indian Agent; and yet this worthy citizen and high-minded gentleman (the father of my friend, the member from New Madrid,) was proscribed because he was a Whig? His only offense was that of being a Whig who was always true to his party and his country. Neither age nor reputation could protect him, and he was guillotined to gratify the thirst for Whig blood, and the ravenous appetite for spoils which burned in the breast of that party of which David R. Atchison is the leader.

The gentleman from St. Louis has made professions loud and long, of his whiggery. He has threatened to expel from our party ranks, men who have grown gray in the service. He would enforce a rule which would unwhig some of the most distinguished of the Whigs in Missouri, and the most distinguished in the nation, living and dead. What are the claims of this gentleman upon the Whig party? What great services has he rendered? what sacrifices has he endured, that he should thus dominate and play the despot? Sir, I have heard it charged upon that gentleman that no later than '52, he voted, not for Gen. Scott, but for Franklin Pierce: I desire to know the fact. Is it true, sir? [turning to Mr. Goode.]

Mr. GOODE—It is true, sir.

Mr. ROLLINS—Good God! what a Whig. [Laughter and applause.] To vote for Franklin Pierce, the obscure lawyer, hailing from the bleak and barren hills of New Hampshire, in preference to the hero of Chippewa and Lundy's Lane, of Cerro Gordo and Churubusco, and whose tall plume had waved over a hundred other victorious battle fields. What I ask again are the claims of this gentleman, upon the Whig party of Missouri, or of the nation, that he should presume, to become its adviser or its censor? Are those men to be regarded as *Whigs*, who voted for Pierce in 1852?

The gentleman confesses that he refused to vote for Scott, a pillar of the Whig cause and a pillar of the State, and clothed as he was with national renown as with a garment! Ah! this gives us the key to the gentleman's conduct in this house, and determines the quality of his whiggery. Sir I have heard of free-soil Whigs and Southern Whigs, of Fillmore Whigs and Clay Whigs; even of Benton Whigs and anti-Benton Whigs, but this is the first time that I ever heard of a Pierce Whig. The gentleman from St. Louis is the only Pierce Whig I have ever seen. [Loud and long continued applause.] A Pierce Whig is such a monstrous production, that it ought to be preserved as the strangest curiosity of political natural history, and if the distinguished Missouri artist—my excellent friend Bingham, whose honest heart I prize, and whose brilliant genius I admire—were to portray the hideous hybrid on his canvass, I would move to hang it in this hall opposite the picture of Missouri's Senator, not as an incentive to lofty deeds and unwavering fidelity to the party, but as a warning to my youthful friends around me, who, like my friend and colleague, [pointing to Mr. Guitay] are fired by an honorable ambition, and gifted with intellect and eloquence—to teach them the horror of treason, either to their party or their country. There as in gibbet would I desire the "counterfeit presentment" of the political malefactor to hang, as a monument of the conduct not to be imitated but spurned and loathed by the youthful statesmen of our party. [Uproarious laughter and applause.]

Mr. GOODE—I second the motion of the gentleman for procuring the picture, if all the whigs who voted for Pierce are embraced in it.

Mr. ROLLINS—Do I understand the gentleman as saying there is another Whig in this

Assembly who voted for Pierce? I would move that the brace be immortalized on the same canvass and be elevated to the same unenviable eminence in this hall.

It is not to be expected that I should follow the gentleman through his long, discursive and erratic speech. I shall, however, reply to some of the points which he attempted to establish in that pointless but voluminous discourse. I will reiterate what I consider to be the correct doctrine upon the subject of slavery. Congress, according to the opinions of almost every statesman of the republic, has the power of legislation in the territories invested in her by the Constitution. That power was exercised by the Confederation, and after the adoption of the Constitution, by Congress, and reason, usage and authority demonstrate that the power is radically inherent in that body. But if Congress has the power, as I believe it has, to legislate upon slavery in the territories, justice, honor and expediency forbid its exercise; and those principles impose restrictions upon the arbitrary action of Congress as binding as any constitutional obligation. The gentleman from St. Louis has defined his position upon slavery. He would extend the area of the institution from the rising to the setting of the sun, and from the rivers to the ends of the earth! He would darken the whole continent with the shadow of that institution, and I grant, with a patriotic purpose, for he asserts that in its shadow, flourish most luxuriantly, "virtue, intellectuality and refinement." The gentleman has defined his views, and I thank him for doing it. He is emphatically a pro-slavery man, and would, as a matter of course, animated by the same patriotic purpose, revive the Foreign African slave trade.

Mr. GOODE nodded assent.

Mr. ROLLINS.—The gentleman nods assent, and here again I tender him my thanks for his candor. He would revive those scenes of cruelty and barbarism, the mere recital of which has thrilled the breast of every civilized community with horror. He would open the door by federal legislation, to the repetition of those atrocities which lay heavy upon the souls of the fathers of the Republic, and which the moral feelings of the nation indignantly forbade both upon the ocean and the land. He would let loose again the wild and baleful elements that are natural to the character of the African savage, in the depths of his fiery deserts, and which have been partially suppressed by the suppression of the African slave trade. He would rekindle his uncontrollable cupidity, and arm every tribe against the other, and make kidnapping their only occupation, and human beings their only article of exportation.

He would remorselessly and exultingly multiply endless and innumerable wars, quench the feeble sparks of religion and civilization which are beginning to appear in that country, and give supremacy forever to the brutal and diabolical passions of the natives of that land, where "as the earth, her human clay is kindled." Not for ever, because man would soon be exterminated in such a condition of society, and the lion and the leopard would make their lairs within the very walls of the "factories," which would crumble into ruins with the decay and depopulation of the country. The gentleman answers that he would cheerfully revive a trade that would tolerate the seizure of the free though ignorant savage, bearing him a captive to the coast, stow him in the pestiferous hold of the slaver, where the human cargo are packed like herrings, where they die in decades every hour and are cast out to feed the sharks, and whence the survivor would emerge, doomed as well as his posterity after him, to lasting bondage—a bondman and the father of bondmen. Such, sir, are the results which the statesmanship of the gentleman from St. Louis would accomplish. Such are the terms which his patriotism would exact of humanity. Sir, we have fanatics at the South as well as the North, and I think the classification of the gentleman from St. Louis would present no difficulty to the members of this House.

Mr. GOODE rose to explain. He had nodded an affirmative to the inquiry of the gentleman from Boone, but he did not contemplate the revival of the slave trade in its odious sense, as it prevailed in the Colonies, and in the Republic up to 1808. He would open the slave trade, and bring negroes here for the benefit of the negro himself, who required to pass through a state of pupillage.

Mr. ROLLINS—There is one way of bringing African negroes here, and that is by opening the foreign slave trade. The explanation we have heard is the sober second thought of the gentleman. He has taken it back, as he has taken back his first opinion upon the power question. The gentleman will be obliged to take more back, and I commend his prudence in taking them back thus promptly.

The gentleman has told us that there was "*no condition in society, in which refinement and intellectuality existed in any great degree, in which there was not slavery.*" If he means by this, African slavery, I beg to differ with him. Moral and intellectual culture, and social refinement, are to be found in as high a state of perfection, throughout the civilized world, in free as in slave communities. I refer him to the land of Burke and of Chatham, of Shakspeare and of Milton, of Cuvier and of Baron Von Humboldt, of Napoleon and Lamartine. But if the gentleman means to place the system of humble labor, which exists to some extent in our own State and throughout the country, and which has ever existed, on the same footing with African slavery, then I repudiate the thought, as un-American and anti-republican, and at war with the very spirit and genius of our institutions. A man, because he may be compelled to labor in the humbler walks of life, is not therefore to be regarded and treated as a slave. Such a designation would include a large portion of the hard-fisted yeomanry and sturdy mechanics of our country, these "Sons of toil" whose strong arms and patriotic hearts

constitute the very substratum upon which rests our republican structure. The very men who are the bulwarks of liberty:

"Our country's stay
In the day and hour of danger,"

Who fight our battles and pay our taxes; who hew down the wilderness and clear out our rivers, who build our railroads and our cities. No, sir, genius and intellectuality is confined to no class or condition amongst men. It is as often found beneath the "lowly thatched cottage" as in the proudest palace. And in our own country, and throughout the world, in all that adorns and dignifies the character of man,—in arms and in literature, in eloquence, in statesmanship and in philosophy, we as often find those who most excel, springing from the walks of those whom the gentleman from St. Louis would place in the category of slaves, as from the better educated and higher classes of society. And no country, more than our own, can boast of so large a class of persons as those to whom I have referred. Some of the brightest names that adorn the historical annals of this Republic, and who have conferred the greatest blessings upon the people in building up and strengthening our free institutions, have been men of the humblest origin.

We now come to the letter said to be addressed by me to Col. Benton, which is such a monstrous iniquity in his estimation. That letter was written at the time the Jackson resolutions were the subject of controversy in this State; and here I would ask the gentleman from St. Louis if he would have voted for the Jackson resolutions?

Mr. GOODE said he would not, but would explain why. Though there was nothing in the resolutions in which he did not heartily concur, yet he deemed their introduction at the time was inexpedient.

Mr. ROLLINS—Every Whig in the General Assembly except the gentleman from Scott, voted against those resolutions when they were introduced. Their action was endorsed by every Whig newspaper in the State. Every Whig of prominence and distinction in Missouri sustained the action of their Representatives in this hall. Including our distinguished candidate for the Senate, (Col. Doniphan.)

Mr. DARNES rose and said that Gen. Watkins, who was recognized in South-east Missouri, and throughout the entire State, had approved of the vote which he (Mr. Darnes) had cast upon the occasion referred to by the gentleman from Boone, and at a public meeting of Whigs held shortly after, resolutions were passed in support of the Jackson resolutions, and of his action in that hall.

Mr. ROLLINS—Sir, I admit that there may have been a few exceptions, and I also admit that the gentleman from Scott was a dissenter from the action of the Whig party on that, as well as on other occasions. When Col. Benton made his famous appeal to the people of Missouri, the Whig party, which had long been in a state of subjugation, but which though often defeated, was never subdued, saw a favorable opportunity for overthrowing their ancient and triumphant enemy. Ambitions of grasping the reins of power, which had been held so long by the Democratic party, or if you please, "hungering for the flesh-pots of Egypt," they fostered the feud and fomented the discord which had sprung up among them. Whig politicians, and myself among them,—for you know, sir, politicians will do such things, patted both sides on the back, and cried, hurrah! to the one and well done! to the other. My venerable friend who sits before me, (bowing to Mr. Paschal,) did the same thing, and is, I doubt not, prepared to do it again when the proper time shall arrive. Those were legitimate party tactics, and certainly cannot be condemned or censured by a whig. But on that particular question I was with Col. Benton. The Whig party of Missouri was with Col. Benton upon that question, and against the anti-Benton wing of the Democratic party. I condemned the Jackson resolutions, because they sprung a baleful agitation upon the State, and also because they embodied nullification and tended to disunion.

The letter, of which detached fragments have been read, was stolen from Col. Benton, and a small part of it only published to place me in a false position. The entire letter was not published, but the parts which would have explained my true sentiments and opinions throughout, were suppressed, and this garbled production is quoted in this hall, to place me in a false position, and put a foul misconstruction upon my sentiments. It was written with a purpose and intent altogether different from what has been imputed. I preserved no copy of the letter, but I still remember the tenor of its contents. It was written to a distinguished man, and in it I adverted to a great political question, to a great controversy in which that distinguished gentleman was involved, and about which question the Whigs in the General Assembly, and throughout the State, agreed with him. I mean the Jackson Resolutions. So far as opposition to these resolutions was concerned, I might well have expressed the opinion, that the Whigs of Missouri would sustain Col. Benton, for the Whigs were united almost to a man on this question. And in reference to the expression used, that his absence from the Senate might turn out a national calamity, and in the event that his place would be filled, by a Democrat greatly his inferior, and known to be deadly hostile to the Whig administration of Gen. Taylor, whilst the belief was equally current, and well founded that Col. Benton, would sustain Gen. Taylor's administration, I expressed an opinion that would have been endorsed by Whigs every where. Unlike the gentleman from St. Louis, I preferred first a Whig! but in a contest between two Democrats, I should have taken what I considered the lesser evil.

When these garbled paragraphs were published in the newspapers, I wrote to Col. Benton for the letter which I addressed to him, or for a copy of it, the publication of which would have vindicated me from the false construction received from those garbled extracts. Col. Benton wrote to me a reply, from which I will read to this Assembly:

WASHINGTON CITY, November 9, 1851.

MAJOR ROLLINS—

DEAR SIR—I have just received your letter of the 23d ultimo, and although just in the act of setting off for Missouri, and much occupied, I seize a few moments to reply to it. You are right in your recollection of what I said about the Metropolitan, "that I never read anything in it;" and, I can add, I never answer anything in it, even when shown to me, that merely concerns myself. But the article you enclose chiefly concerns you, and the writer has the audacity to mention my name, as authority for lies against you. His statements are false. I do not recollect of receiving but two letters from you, and have neither of them now. In looking over my papers this fall, previous to going away, I have seen neither of them; and as it is my habit, and necessary from the masses of letters which I receive, to destroy those which do not require future attention, yours must have shared that fate unless stolen from me. I neither gave them to anybody, nor gave out copies to anybody, nor had any future use to make of them, but I know you never wrote what is attributed to you. You never promised me the aid of the Whigs to carry me triumphantly over the heads of my enemies, nor did I ever ask such aid from you. You never urged upon me the endorsement of free-soil doctrine upon the people; nor did I ever urge such doctrines or entertain them. My sentiments on that subject are in my Jefferson City speech of May, 1849, and all other sentiments attributed to me are falsehoods."

Sir, this testimony, coming from the source it does, relieves me from the charges made by the gentleman from St. Louis. If that gentleman, or any other, can make capital for himself, or raise any prejudices against me, by reading from the tail of a private letter, addressed to a gentleman and stolen from him, he is heartily welcome to do it. The gentleman is heartily welcome to use such weapons against me if he is satisfied with himself in so doing.

Mr. GOODE rose to explain: It was not his object to inquire by what means the letter became public. He found it published, and he had a right to make use of it.

Mr. ROLLINS—Sir, I am glad the gentleman has made use of it, and he is welcome to all he can make out of it. I am glad he has produced it in this hall, for it has given me an opportunity of vindicating myself.

On the question of the Jackson Resolutions, to which it referred, I expressed the opinions which I sincerely entertained, and which opinions were endorsed by the Whig party of Missouri. On that question, I, in common with my party, agreed with Col. Benton, though differing widely with him on other great principles of State and National Government. But I will inform the gentleman who has labored with so much endurance, and with so little success, that I would rather have seen Benton in the Senate than any Democrat who was tainted with nullification, if the contest lay between such a man and Col. Benton. Sir, I will also tell the gentleman that I would rather have voted for Col. Benton, than for a Whig who voted for Franklin Pierce in 1852.

But Sir, what condemnation does the gentleman merit, when he attempts to criticise me, simply for writing a letter to a distinguished member of the Democratic party, intended to aid our cause, and with the admission on his lips that he proved a traitor to the Whig cause in 1852, when he voted for Pierce, and after the great effort, which he has just made, to elect Atchison over Doniphan? And with what superlative impudence must he be clothed to stand in his place here, and talk about "dark suspicions" upon the political character of any Whig, with facts like those I have stated, staring him in the face? Did he suppose that because of the manner of voting in his county by ballot, and not "*viva voce*" the fact of his political apostacy, would not be detected and exposed? And sir, it will be a question more curious and interesting to the Whigs of St. Louis, than important to this discussion, for them to ascertain by what means, a gentleman was placed upon the Whig ticket in the last canvass, who voted for Pierce and King, instead of Scott and Graham!

Sir, the gentleman from St. Louis has asserted that while I introduced the names of several distinguished Whigs in this State as authority on political questions, I never mentioned the name of Henry S. Geyer. Surely, the gentleman must be strangely forgetful, or singularly inattentive to the speech which I made two evenings ago, and which he has so elaborately criticised. The name of Geyer was the first mentioned in that catalogue of distinguished Whigs. I said of him that I served with him in that hall many years ago, and knew him as a profound and accomplished legislator. I stated that I was well acquainted with the purity of his domestic life, and the sincerity and dignity of his character. I quoted him as an authority upon the danger and impropriety of making the power question a test. I will now add, for the information of the gentleman from St. Louis, that he did not approve of the Jackson resolutions. If I had been a member of the Legislature at that time, although he was not my first choice, I would have given him a cordial and earnest support, and not as the Pierce Whig supports Doniphan.

The love of the Jackson resolutions which the gentleman exhibits, and the eagerness with which he seeks to apply the test and engraft a new and heterogeneous principle upon the ancient doctrines of the Whig party, have been recently caught by contagion. They attest their origin. The gentleman derived them from his Anti-Benton associates. He caught the virus since he came to Jefferson City. He adopts the course and advocates this principle which has scattered the Democratic party to the four winds. The gentleman is desirous to produce the same catastrophe in the Whig party, though he lacks the power, he has shown that he possesses the will to do it. I shall now proceed to notice the gentleman's arguments upon the question of the power of Congress to legislate upon slavery in the Territories.

He argued that as the tomb of Jefferson had recorded upon it, that he was "The author of the Declaration of American Independence—the author of the Statute in favor of Religious toleration, and of the Statute abolishing the law of Primogeniture and entails in the State of Virginia—and Founder of the University of Virginia,"—and did not record that he was the author of the ordinance of '87, that he could not, therefore, have written it! Sir, if all the great deeds of Jefferson were to be appropriately recorded upon his cenotaph, it would rise to the height of the pyramids. The tomb that covers the grave of Thomas Jefferson is not the monument of his fame. Not upon that tomb, but upon the broad continent are his deeds recorded, and while the solid earth endures, it will be the fittest monument of his patriotism and intellectual greatness. Not upon his tomb, but upon the hearts of a people who appreciate him, are his thoughts and deeds recorded. But I would ask the gentleman from St. Louis if the ordinance of '87 was not reappplied to the Territories of Indiana, Illinois, Michigan and Wisconsin? and if the laws organizing these Territories did not receive the signatures of Adams, Jefferson and Jackson, on the occasion of their passage? The law of '89, approved by Washington, which the gentleman says was passed in fulfilment of a contract, bears upon its face the declaration that it was enacted to give full "force and effect" to the ordinance of '87, and its subsequent application to the Territories I have enumerated, shows conclusively that Thomas Jefferson, and Congress in its early existence, not only admitted the power, but exercised it to the exclusion of slavery. The gentleman must also be apprised that the ordinance of 1787, met with the entire concurrence of the whole south.—The vote of every State in the Union was unanimous in favor of it, with the exception of a single individual vote, and he was a northern man.

The gentleman from St. Louis informs us that "*Mr. Jefferson and many other great men of the South was opposed*," to slavery," and therefore, he must have been opposed to restricting it, and it is argued again that because Mr. Jefferson was President of the United States in 1803, at the time of the purchase of Louisiana, and because this whole country was not at that time made free Territory, therefore Mr. Jefferson did not concede the power to Congress to make it so! This is another "*non sequitur*" of the gentleman: Mr. Jefferson as President had no power over the question; seeing slavery existing in the Territory, at the time of its acquisition, he pursued the dictates of an enlightened patriotism to let it alone; not to disturb it, but to leave it where it properly belonged, in the hands of the people, and their Representatives.

Sir, it is not my purpose to go into an extended argument, to prove that Congress has the power to legislate upon the subject of slavery in the Territories. It is a power that has been exercised, from the commencement of our government down to the present time, receiving the sanction of nearly all the Presidents of the United States, from George Washington down to James K. Polk, and of almost every statesman, who has held a seat in the National Councils, and which was never seriously doubted until within the last few years, thus proving that as we recede from the Constitution, we are becoming more wise in its interpretation, than the very men who made it.

In the language of Mr. Clay, "I must say that when a point is settled by all the elementary authorities, and by the uniform interpretation and action of every department of our government—legislative, executive and judicial; and when that point has been settled during a period of fifty years, and never was seriously disturbed until recently. I think that if we are to regard anything as fixed and settled, under the administration of this Constitution of ours, it is the question which has been thus invariably and uniformly settled."

The idea once existed that a power to acquire Territory carried along with it, the authority to govern it, and that there was no other restriction in regard to this right, than that found in the Constitution of the United States, and as no one had as yet been enabled to find in that instrument, any such restriction, it must therefore, of necessity exist, not only in reference to slavery, but also in reference to every other species of property.

The idea once existed that in the acquisition of foreign Territory, whether by discovery, by treaty, or by conquest, the whole sovereign power over it, was by the very transfer itself, vested in the Government of the United States, and as all legislative power, under the Constitution, belonged to Congress, therefore this power to legislate over the Territories, must exist there, and nowhere else, and with Congress must rest the necessity to judge how far, and to what extent this authority should be exercised. The States cannot do it—individuals cannot do it, and it is plain to be seen, that none other than Congress can do it. Congress gives government to the Territories; passes laws authorizing the appointment for them of Governors, Judges and other officers, and delegates authority to the Territorial Legislature, to do that which it is denied that Congress can do itself! Chief Justice Marshall, in delivering the opinion of the Supreme Court of the United States, in the case of the American Insurance Company, et al., vs. Canter, uses the following language:

"Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the facts, that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern, may be the inevitable consequence of the right to acquire Territory. Whichever may be the source, whence the power is derived, the possession of it is unquestioned."

And again, in the same opinion, he says:

"In legislating for them (the Territories) Congress exercises the combined powers of the General and of a State Government."

But the Constitution is not silent on this subject. Article 4, section 3, clause 2, reads thus :

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory, or other property of the United States."

Here the authority is expressly given, and there is no earthly power to judge of the rules and regulations necessary for the government of the Territories but Congress. It is, however, unnecessary for me to dwell upon these points.

Sir, we are all aware that the Constitution, though written in simple and perspicuous language, has been subjected to various and conflicting interpretations. Gen. Jackson took the high ground that the individual should judge for himself. He assumed that no man should be governed in his interpretation of that sacred instrument contrary to his own sense of right. That, sir, was correct doctrine, properly qualified. The private judgment of the individual, though it may properly fortify itself by authority, should not be *oversloughed* by authority. The interpretation of the individual should be held good, and steadfastly maintained, until it was reversed by the decision of the competent and ultimate tribunal for pronouncing upon the merits of every controversy, involving the powers of the constitution. But, sir, I maintain that the judgment of the individual must succumb to the judgment of the Supreme Court of the United States. Otherwise we construct a platform upon which anarchy, higher law and nullification can logically stand, and entrench themselves in a position unassailable and formidable. I will now ask the gentleman from St. Louis, who has dwelt so long on the odious character of the Missouri compromise, if the Supreme Court admitted its constitutionality, would he acquiesce in the decision, and reverence the law?

Mr. GOODE said that if the Missouri compromise were to be acknowledged constitutional by the Supreme Court, he would recognize the validity of the decision acknowledging its constitutionality.

Mr. ROLLINS—I hope the gentleman cherishes those sentiments sincerely. I am rejoiced to hear from him the avowal of such opinion. I had always understood the gentleman entertained, not central or conservative, but extreme southern proclivities. I had understood the gentleman was a disciple of the Calhoun school. I understood he gloried in being ranked beneath the banners of Calhoun, one of whose leading maxims was, that the Supreme Court was a branch of the federal government, and as such was as liable as any other of its departments to usurp unconstitutional powers, and oppress the States.

I pass to the history of the Missouri compromise, and here allow me to remark, that in nearly all the authorities read by the gentleman from St. Louis, denying to Congress the constitutional authority to restrict slavery, referred to the *States* and *not to the Territories*. No man pretends, for a moment, that Congress can interfere with this subject in the States—this is denied upon all hands, and the gentleman might have saved himself much trouble, and this joint session a heavy infliction by not dwelling on this point. When the law was pending authorizing the people of Missouri to form a State Government, the following amendment was offered by a distinguished Senator from Pennsylvania, (Mr. Roberts:)

"Provided, That the further introduction into said State of persons to be held to slavery, or involuntary servitude within the same, shall be absolutely and irrevocably prohibited."

This was a restriction upon the State, and it was against the *right and expediency of this proposed restriction* that Mr. Clay addressed the committee four hours, as quoted by the gentleman from the National Intelligencer. The gentleman confounds this proposition to restrict slavery in the *State* of Missouri, with the one which was subsequently offered and passed, prohibiting slavery in the Territory North of the line of 36° 30', North latitude, and commonly called the Missouri Compromise. The one, I repeat, had reference to the *State*, the other to the *Territory*—the first proposition was voted down, the last was as follows, and was adopted in the Senate by a vote of 34 for, to 10 against it, and in the House of Representatives, by a vote of 134 for, to 42 against the amendment.

"And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby forever prohibited: Provided, always, That any person escaping into the same from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

A majority of the Southern Representatives voted for this amendment—(the Missouri Compromise line.) Amongst those who voted for it, we find the names of Eaton, of Tennessee, (Secretary of War during the administration of Gen. Jackson,) Richard M. Johnson, former Democratic Vice President of the United States; Johnson, of Louisiana; Wm. R. King, of Alabama, Democratic Vice President of the United States, and elected on the same ticket with Franklin Pierce, and for whom the gentleman from St. Louis (Mr. Goode, voted; Pleasants, former Governor of Virginia; Walker, of Alabama, and Williams, of Tennessee. And in the House of Representatives, we find amongst others, the following Southern names.

Allen, of Tennessee; Anderson, of Kentucky; Archer, of Maryland; Bayly, of South Carolina; Brown, of Kentucky; Bryan, of Tennessee; Cannon, of Tennessee; Cocke, of Tennessee; Crawford, of Georgia; Crowell, of Alabama; Culbreth, of Maryland; Culpepper, of North Carolina; Cuthbert, of Georgia; Davidson, of North Carolina; Earle, of South Carolina; Fisher, of North Carolina; Floyd, of Virginia; Hardin, of Kentucky; Kent, of

Maryland; Little, of Maryland; McCreary, of South Carolina; McClano, of Delaware; McClean, of Kentucky; Mercer, of Virginia; Nelson, of Kentucky; Rankin, of Mississippi; Ringgold, of Maryland; Robertson, of Kentucky; Settle, of North Carolina; Smith, of Maryland; Smith, of North Carolina; Strother, of Virginia; Trimble, of Kentucky; Tucker, of South Carolina; Warfield, of Maryland; Williams, of North Carolina; Lowndes, of South Carolina, who died early in life, but who was regarded in his day, as one of the most brilliant of American orators. And in addition to these names, we may add that of *Henry Clay* himself, good authority I presume, for all Whigs who did *not* vote for *Pierce*.

The gentleman from St. Louis, has attempted to raise a doubt whether Mr. Clay thus voted—he has read extracts from his speeches, which *were never reported*, and given statements as to his views, in regard to the restriction upon the State of Missouri. I read, what Mr. Clay himself said, when speaking of the Missouri Compromise line of 36° 30'. I quote from his speech delivered in the Senate, 5th February, 1850, 22d volume Appendix to Congressional Globe, pages 117-18:

"But I take the occasion to say, that among those who agreed to that line were a majority of Southern members. My friend from Alabama, in the Senate, (Mr. King,) Mr. Pinckney, from Maryland, and a majority of the Southern Senators in this body voted in favor of the line of 36d 30m; and a majority of the Southern members in the other House, at the head of whom was Mr. Lowndes himself, voted also for that line. *I have no doubt that I did also*; but as I was Speaker of the House, and as the Journal does not show which way the speaker votes, except in the case of a tie, I am not able to tell with certainty how I actually did vote; but I have no earthly doubt that I ~~were~~ in common with my other Southern friends, for the adoption of the line of 36° 30'. So the matter ended in '20."

The bill authorizing the people of Missouri to form a Constitution for a State government, became a law on the 5th day of March, 1820. I may add the remark, that most of the distinguished Southern names above mentioned, opposed the attempted restriction on the State, but all of them afterwards voted for the line of 36° 30', and I here read a short letter written at the moment, by the great Pinckney, of Maryland, a member of the United States Senate, to prove how Southern men viewed this matter at that time:

CONGRESS HALL, March 2d, 1820. }
3 O'Clock at Night. }

DEAR SIR: I hasten to inform you that this moment we have carried the question to admit Missouri and all Louisiana to the southward of 36° 30' free of the restriction of slavery, and give the South in a short time an addition of six, and perhaps eight members of the Senate of the United States. It is considered here by the slaveholding States as a great triumph. The votes were close—90 to 86. (The vote was so first declared, produced by the seceding and absence of a few moderate men from the North. To the north of 36° 30' there is to be, by the present law, restriction, which you will see by the votes, I voted against. But it is at present of no moment. It is a vast tract uninhabited only by savages and wild beasts, in which not a foot of Indian claims to soil is extinguished, and in which, according to the ideas prevalent, no land office will be established for a great length of time.)

With respect, your obedient servant,

CHARLES PINCKNEY."

Thus the people of the State of Missouri, were authorized to form their Constitution for a State government, which they proceeded to do. In their Constitution, was the following clause:

"It shall be the duty of the Legislature, as soon as may be, to pass such laws as may be necessary to prevent *free negroes and mulattoes from coming to, and settling in this State, under any pretext whatever.*"

In consequence of the insertion of the above clause, in our State Constitution, in November, 1820, when she presented herself for admission, another controversy arose, upon the ground that the above recited clause, infringed that part of the Constitution of the United States, which declares that, "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States." It led to an angry and exciting discussion, and the question was finally settled, by the introduction and passage of the following joint resolution, drawn up by Mr. Clay, and which became the law, March 2d, 1821:

Resolution providing for the admission of Missouri into the Union on certain conditions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the Constitution, submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the Legislature of said State, by solemn public act, shall declare the assent of said State to the said fundamental condition, and transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact: whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete.

JOHN W. TAYLOR,

Speaker of the House of Representatives.

JOHN GALLISPEE,

President of the Senate, pro tempore.

JAMES MONROE.

Approved, March 2, 1821.

This was called the second Missouri Compromise, and the people of this State having accepted the condition imposed by the foregoing resolution, Mr. Monroe, who was then President of the United States, on the 10th of August, 1821, issued his proclamation, declaring the admission of Missouri complete, according to law. And so ended the whole controversy, in reference to the admission of this State into the Union.

The gentleman from St. Louis has quoted Mr. Monroe, as denying the power of Congress over this subject. Strange indeed that this should have been the opinion of Mr. Monroe, at the very time of signing the bill. Sir, the gentleman is mistaken. This very question—and we have it not only from Mr. Monroe himself, but also from John Q. Adams, who was Secretary of State—was canvassed in the Cabinet. This question was propounded by the Presi-

dent for their decision : "*Has Congress the right under the powers vested in it by the Constitution, to make a regulation prohibiting slavery in a territory?*" His cabinet was composed of a majority of southern men, and it gave a unanimous and affirmative response to the above question. And perhaps, for great talents, no cabinet has excelled that of Mr. Monroe, at any period of our history, being composed of no less distinguished personages than Wm. H. Crawford, Wm. Wirt, and John C. Calhoun. And yet, strange to say, Mr. Monroe is quoted as denying this power! Knowing, too, the great influence which the opinions of Henry Clay must continue to exert over the Whig mind of the country, his powerful name is constantly invoked, and the gentleman from St. Louis, (Mr. Goode,) has the rashness to declare that he, too, is committed against the constitutional right of Congress to enact a law establishing the Missouri Compromise line. Now, sir, I have already proven that Mr. Clay voted for it, and he was not the man to violate his conscience and his oath in voting for an unconstitutional law. But we are not left in the dark as to the opinions of the great Kentuckian on this question. He was a man who thought and spoke boldly on all subjects. He kept nothing back, and in order that this matter may be put at rest forever, I quote at length from his speech delivered in the Senate of the United States, February 5th, 1850, and published in the Appendix to the Congressional Globe, vol. XXII, pages 117-18 :

Allow me to say that, in my humble judgment, the institution of slavery presents two questions totally distinct, and resting upon entirely different grounds—slavery within the States, and slavery without the States. Congress, the General Government, has no power under the Constitution of the United States, to touch slavery within the States, except in the three specified particulars in that instrument: to adjust the subject of representation, to impose taxes on slaves when a system of direct taxation is made, and to perform the duty of surrendering, or causing to be delivered up, fugitive slaves, when they escape from the service which they owe in the slave States, and take refuge in the free States. And I am ready to say that if Congress were to attack within the States the institution of slavery, with the purpose of the overthrow, or the extinction of slavery, then, Mr. President, "my voice would be for war."

The power then, Mr. President, in my opinion—and I extend it to the introduction as well as to the prohibition of slavery in the new territories—DOES EXIST IN CONGRESS; and I think there is this important distinction between slavery outside of the States and slavery inside of the States; that all outside of the States is debatable, and all inside of the States is not debatable. The Government has no right to attack the institution within the States, but whether she has, and to what extent she has or has not, the right to attack slavery outside of the States, is a debatable question—one upon which men may honorably and fairly differ; and however it may be decided, furnishes, I trust, no just occasion for breaking up this glorious Union of ours.

I am not going to take up that part of the subject which relates to the power of Congress to legislate on slavery—I shall have occasion to make some observations upon that subject in the course of my remarks—whether in this District of Columbia, or in the territories; but I must say, in a few words, that I think there are two sources of power, either of which is sufficient, in my judgment, to authorize the exercise of the power, either to introduce or keep out slavery, outside of the States and within the Territories. Mr. President I shall not take up time, of which so much has been consumed already, to show that the clause which gives to Congress the power to make needful rules and regulations respecting the territory and other property of the United States *conveys the power to legislate for the Territories.* * * * * *

I know that it is argued that there is no grant of power in express terms, in the Constitution, over the subject of slavery. But there is no grant in the constitution, specifically, over a vast variety of subjects upon which the powers of Congress are unquestionable. The major includes the minor. The general grant of power comprehends all the particulars of which that power consists. The power of acquisition by treaty draws with it the power to govern all the territory acquired. If there be a power to acquire, there must be a power to govern; and I think, therefore, without at present dwelling further upon this part of the subject, that from the two sources of authority in Congress to which I have referred, may be traced the power of the Government of the United States to act upon the territories in general.

I come now to the question of the extent of the power. I THINK IT IS A POWER ADEQUATE EITHER TO INTRODUCE OR TO EXCLUDE SLAVERY. I ADMIT THAT, IF THE POWER EXISTS OF EXCLUDING, THE POWER MUST ALSO EXIST OF INTRODUCING OR TOLERATING SLAVERY WITHIN THE TERRITORIES."

In the very face of this distinct and unequivocal avowal of the action and opinions of Mr. Clay, on a great question, and with his speech lying before him, in which these opinions were so frankly spoken, the gentleman from St. Louis, continues to stultify himself, by denying what is here so obviously proven. He would tarnish the name of Henry Clay, and attach to him both insincerity and inconsistency, charges to which, he was perhaps less amenable than any other public man of our country. And why has the gentleman thus labored so hard, to place this greatest of American Statesmen, in an inconsistent and false position? Simply to reach the Whig mind of the country, by raising a doubt as to what Mr. Clay's opinions really were, on this and kindred questions!

The gentleman from St. Louis kindly informed us that Mr. Clay was in the habit of "talking loosely," but I must be permitted to say, that considering the specimen of "*loose talk*," which we have endured from him for two days, he is the last man who ought to make this charge against any one.

Sir, I have been highly gratified, during this discussion, to hear the beautiful tribute paid to the character of HENRY CLAY, and by gentlemen who, whilst he lived, failed to do him justice, and opposed him with the greatest bitterness. It shows the happy influence which such a man, though he be dead, continues to exert over the minds of his countrymen.

Yes, sir, Henry Clay, though he has fallen, has shed light which still shines around us, and which will guide us on forever. Mr. President, that idea was vividly brought to my mind, when a few days ago, I heard my friend, the eloquent gentleman from Ste. Genevieve, (pointing to Mr. Boggy,) deliver such a just and appropriate eulogy upon the great Whig Statesman. I flattered myself for a moment, that the smouldering fires of Whiggery, were about to be rekindled upon the altar of his heart, and that purified by fire, he would be of us and among us once more and forever. I flattered myself, Mr. President, that he would

lead the Whig party which he had abandoned, with the same zeal and even more ability than he did before. I flattered myself that the gentleman, following the dictates of his enlightened conscience, would repudiate the error of his ways, and, when his name was called upon the ballot, cry out, "Doniphan."

If any other names were wanted, I could point the gentleman to Marshall and Story—to Webster and Crittenden—to Fillmore and to Bates, and to a long list of the most distinguished Democrats of the nation, including Stephen A. Douglas. And in reference to the action of the government, I remind him of the fact, that in passing laws for the organization of the territories of Iowa and Minnesota, the principle of the Missouri Compromise was applied; and that in the law organizing the territory of Oregon, Mr. Atchison himself, for whom the gentleman has labored so faithfully to-day, moved to apply to it the ordinance of 1787! I quote his remarks on that occasion:

"I believe that I was the first to introduce a bill into this body for establishing a territorial government in Oregon, and in that bill I incorporated the ordinance of 1787; and for years I heard no objection to it on that score. There were other objections to the bill, but none on account of its containing the ordinance."

"As to California and New Mexico, it presents another question. I was willing originally, to abide by the principles of the Missouri Compromise, and to extend the principles of that compromise to the Pacific ocean, and that from territory hereafter to be acquired, slavery should be excluded."

Who pretends that there was any public necessity at this time for the application of this ordinance? I point the gentleman and his new allies to the vote of Mr. Atchison to extend the Missouri Compromise line through Texas in 1845. I point them to the *protest* in 1850, of Mason and Hunter, of Virginia, Butler and Barnwell, of South Carolina, Turney, of Tennessee, Sould, of Louisiana, Davis, of Mississippi, Atchison of Missouri, and Morton and Yales, of Florida, against the admission of California without extending the Missouri Compromise line of 36° 30' to the Pacific Ocean. Sir, it may be well asked, if this line was right and constitutional in 1850, how did it become, not only unconstitutional, but infamous in 1854? But what has been the action of the Missouri Legislature touching this question? I have before me resolutions of that body, passed February 15, 1847, as follows:

Joint Resolution in relation to the Missouri Compromise Act of 1821.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That the peace, permanency and welfare of our National Union depend upon a strict adherence to the letter and spirit of the eighth section of the act of Congress of the United States, entitled "An act to authorize the people of the Missouri Territory to form a Constitution and State government, and for the admission of such States into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," approved March 6th, 1820.

§ 2. That our Senators in the Congress of the United States are hereby instructed, and our Representatives requested, to vote in accordance with the provisions and the spirit of the said eighth section of the said act, in all questions which may come before them in relation to the organization of new Territories or States, out of the Territory now belonging to the United States, or which may hereafter be acquired either by purchase, by treaty or conquest.

§ 3. That a copy of these resolutions shall be forwarded by the Secretary of State to each of our Senators and Representatives in Congress of the United States.

Approved February 15, 1847.

Every Democrat in the General Assembly voted for these resolutions! There was no public necessity existing at that time to demand the giving of any such instructions. And the question is asked, was the whole Democratic party of Missouri at that time composed of *Assassins*? of men who were willing to see the constitution of their country violated by the adoption of a line which they now say would have been a *nullity*. Sir, the Federal Constitution is not this "rope of sand" which gentlemen seem to regard it. The work of great and wise men, it contains the land-marks, steady and permanent, to guide and direct the patriot and statesman, in promoting the true interest and glory of his country.

No, sir, this sacred instrument cannot be thus compromised. This power under it either does, or does not exist. And when you see and hear men declaring one day against the existence of the power, and the next day not only recommending but voting for its exercise, we are driven to the conclusion, that they have either violated their consciences and their oaths, or that they are uncauld in what they say.

I will now, sir, read opinions of another conspicuous personage upon Congressional legislation on slavery in the Territories.

Mr. GOODE—From what authority do you read?

Mr. ROLLINS—I read from an authority not often consulted, and certainly not well understood by the gentleman—I read from a Whig Bible.

"The Democracy of the North have not endorsed the doctrine of Cass's (Nicholson letter) and they NEVER WILL. The Democracy of this State are UNYIELDING in the opinion, so far as we know, that CONGRESS HAS AND SHOULD EXERCISE THE POWER AND EXCLUDE SLAVERY FROM CALIFORNIA AND NEW MEXICO.—(N. H. Patriot, July 27, 1849.)

"I WOULD TAKE THE GROUNDS OF THE NON-EXTENSION OF SLAVERY—THAT SLAVERY SHOULD NOT BECOME STRONGER. But Congress have only re-enacted the old law of 1793. Unloving men, desiring peace and loving their country, conceded that point—KNOWINGLY CONCEDED IT, and planting themselves upon this law against the outburst of popular feeling resisted the agitation which is assailing all who stand up for their country. But the gentleman says that the law is obnoxious. WHAT SINGLE THING IS THERE CONNECTED WITH SLAVERY, THAT IS NOT OBNOXIOUS? EVEN THE GENTLEMAN FROM MASSACHUSETTS [Dr. Bailett, an ultra abolitionist] CANNOT FEEL MORE DEEPLY THAN I DO ON THIS SUBJECT, &c."—[General Persol's speech in the New Hampshire Constitutional Convention,

Sir, what I have read is from a speech delivered by Franklin Pierce, and published in the *New Hampshire Patriot*. Such, sir, are the opinions of the man for whom the gentleman from St. Louis voted in '51. [Laughter and applause.]

Sir, gentlemen underrate the intelligence of the people of *Missouri*, if they expect to injure the great Whig party, or any member of it, by the charge of free-soilism. This is an old song, which they have heard before. In 1844, Henry Clay was denounced as a free-soiler! In 1848, although a Southern man, and owning upwards of a hundred slaves, General Taylor was denounced as a free-soiler! In 1852, the same charge was repeated against General Scott, (and no doubt by the gentleman from St. Louis himself,) throughout the length and breadth of the land! And by whom, sir? The very men who originally placed Martin Van Buren in power as President of the United States! The very men in *Missouri*, who were so deeply distressed, and who so cordially sympathized with the great New York magician in 1849, (when he was defeated by Gen. Harrison, and who was also charged with being an abolitionist,) that in their legislative capacity in this capitol, they caused to be addressed to him a letter of condolence, abounding in the most fulsome adulation.

I will, sir, read to this joint assembly an extract from the address which was unanimously voted by the Democratic party in this Hall to Martin Van Buren in 1840. The present Executive of *Missouri* was then a distinguished member of the Legislature, and he took a leading part in securing the adoption of this address, which I am about to read, by the body of which he was an influential member:

"As the representatives of a slave-holding State, we cordially approve your manly and candid course on the subject of abolitionism. The pledges which you gave have been fearlessly redeemed, and, under the protecting shield of the veto power, placed in your hands by the constitution, we have felt that our property was secure from that fanciful piracy which would invade the halls of Congress, and which, but for your firmness, would have seized on the post office as an engine for the dissemination of its treasonable designs. On this subject, you have elevated yourself far above the contemptible intrigues of electioneering policy, while you have given the whole force of your administration of our property, and to the aid of our violated Constitution, against the operation of a party which is led by the *World's Convention of England*, and is rendered formidable by its association with the capitalists of London and many of our own deluded citizens."

Sir, that address was voted unanimously by the Democrats of the Legislature who then sat in this hall.

Mr. RUSSELL rose and said he was then a member of the Legislature, and that he refused to vote for it.

Mr. ROLLINS—I should have excepted my sagacious friend from Cape Girardeau. I am thoroughly acquainted with the acuteness and sagacity of his intellect, and on that occasion they disclosed to him the designs of the sage of Kinderhook. My distinguished friend, the Senator from Pike, (Mr. Carr,) had also the sagacity not to vote for Van Buren during that contest. Another Democrat whom I see before me—who was then a member of the Legislature—I refer to the eloquent gentleman from Ste. Genevieve—did not vote for that address, for he was then marching to the tune of

"Tippecanoe, and Tyler too." [Laughter.]

With these exceptions, sir, the Democratic members of the Legislature, under the leadership of our present Executive, transmitted the address, a part of which I have read, to console with the balm of tender sympathy, the sage of Kinderhook, (now traveling amidst the mountains of Switzerland) on his expulsion from the theater of public life, and his ultimate incarceration in the shades of domestic life. In that address the Whig party of this State are stigmatized as free-soilers, and homage is rendered to the great *Northern man with Southern principles* by both wings, and by all wings of the Democratic party; for then they held but one faith, and worshipped but one God. [Applause.] We need no better evidence that they have repudiated that idolatry, than the formidable accusation, advanced with so much power and probability in this hall, that the chief apostle of Van Burenism in 1840—the present worthy Executive of our State—has deviated from the centre, and now inclines as much to Southern, as he did then to Northern sectionalism. It would ill become a Whig to adjust the balance in which fugitive Democrats are weighed, or undertake to prove that the scale in which the Governor of *Missouri* casts his opinions and proclivities, strikes the Southern soil, while the Northern one, from which he has transferred them, kicks the beam.

On another and a recent occasion, I expressed my views of the Kansas-Nebraska bill. When it was first introduced I was doubtful of its policy, although I regard it, and so regarded it from the beginning, as being based upon the principle of justice. I had doubts of its expediency, for I anticipated in some measure the results which it has produced. I deemed it a measure of great importance to *Missouri*, and I declared in favor of the main principle of the bill, before its passage. In proof of this, I beg to read a resolution which was drawn up by myself, and which was adopted at a mass meeting of the Whigs of Boone county, on the 4th day of March, 1854, and which I believe embodied, on this question, the Whig sentiments of the State:

"4. That although the people of this State have always been willing to abide by the Missouri Compromise, as they have repeatedly declared through their General Assembly, yet believing that the best and only just mode of settling the slavery question is to submit it to the judgment of the people; we approve of the establishment of the territories of Kansas and Nebraska, with power in the people who may settle in these territories to regulate the subject of slavery within their limits according to their own pleasure."

As I stated two evenings ago to this Joint Session, although the bill had objectionable features, I would have voted for it if I had been in Congress, and I should now resist its repeal, with as much energy as a Calhounite or a Pierce Whig. My friend from St. Louis, (Mr. Blair) is described by his colleague (Mr. Goode) as nursing hostility against the institu-

tions of Missouri, because he has avowed hostility to the Kansas-Nebraska bill. Sir, it is known that upon this subject, I differ with that gentleman (Mr. Blair.) But I do him the justice to say that I believe him to be as loyal to the institutions of Missouri, as any gentleman in this Assembly. I do him the justice to say that I believe he would be as prompt as any man to resent and to resist any improper or illegal encroachments upon the rights of the people of this State. He has a bold and independent heart, and what he thinks he says, and if he were hostile to the institutions of his State, the same independent spirit which prompted him to denounce the Kansas-Nebraska bill, would prompt him to express his opinions of those institutions, however adverse they might be. If he entertained such opinions, this Assembly would not be ignorant of the fact, nor would it be a matter of conjecture or suspicion.

I will now ask the gentleman from St. Louis, who has signalized himself, by making the most voluminous Atchison speech that has yet been heard in Missouri, if he would have abrogated the ancient laws of the territory, which would have been revived by the repeal of the Missouri Compromise. My friend from Cooper, (Mr. Harrison) enunciated a well established legal maxim, when he stated that the repeal of a repealing law revived the original law. The laws of the territory of Louisiana, which were enacted by royal edict, recognized the existence of African slavery in those Territories. The Badger Proviso repealed those laws, and Gen. Atchison voted for it as a distinct and separate measure.

Mr. GOODE deprecated altogether what the gentleman from Boone, was so solicitous to establish, namely, his identification with Mr. Atchison. If he were in Congress, he would have opposed the Badger Proviso. He did not sanction Gen. Atchison's vote upon that question.

Mr. ROLLINS—I am glad the gentleman is returning to his first love. I am rejoiced to discover that the speech of the gentleman for eight mortal hours was not as I (in common with every gentleman in this hall) imagined it was, intended to promote the election of Atchison. I am rejoiced to find that he still intends to vote for Doniphan, for so I construe his last explanation. The gentleman is welcome to speak—even for eight hours at a time—for Atchison, if he votes for Doniphan. His vote is of infinitely more importance to us than his oratory. I congratulate the gentleman and my Whig brethren on his confession, that he never designed carrying out the action which his speech and his preliminary movements foreshadowed. He has even gone so far as to refuse to endorse Mr. Atchison in his vote for the Badger Proviso. The gentleman states that he would have voted against the Proviso if he had been in Congress.

Mr. GOODE would have voted against the Proviso, because he considered it a violation of the treaty of 1803.

Sir, what is the Badger Proviso? I will read it:

"Mr. Badger moved to amend by inserting 'Provided, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting or abolishing slavery.'"

I repeat again that the simple repeal of the Missouri Compromise line, would have revived the old law of France, created by an edict of *Louis XIV.* in March 1724, and by which slavery would have been at once established in Kansas. The adoption of the above Proviso, prevented this, and I charge upon Mr. Atchison as being recreant to the best interests of Missouri, in voting for it. We find every abolitionist in Congress voting for it, and for the very reason that it excluded slavery from Kansas. It is known, sir, that although introduced by Mr. Badger, the author of this "Proviso" was Mr. Stewart, a notorious freesoiler of Michigan. The effect of this Proviso in the Kansas-Nebraska bill, must prove pernicious to the South. It leaves every man who desires to emigrate, in a state of mind wholly uncertain, whether he can safely carry his slaves with him into Kansas or Nebraska. By what law would he hold them? Not by a law of Congress, for there is none such in existence. Not by a law of the territory, for as yet they have had no meeting of the Territorial Legislature. Not by a former law of Louisiana, for the Proviso above named, prevents its revival! I know it is contended, that by virtue of the recognition of slavery, by the Constitution of the United States, citizens of the slave States have the right to emigrate to any of the territories with their slaves. This point has not, so far as I know, been settled by the courts; and until it is adjudicated, there must exist great doubt in regard to it. The ablest men in the nation deny that slavery is so far recognized by the federal constitution, as to authorize the taking of that description of property into the territories, where it does not already exist. Upon this subject, I present an extract taken from a speech of Henry Clay, delivered in the Senate of the United States, upon the Compromise measures of 1850:

"Now, really, I must say that the idea that *eo instanti*, upon the consummation of the treaty, the constitution of the United States spreads itself over the acquired country, and carries along with it the institution of slavery, is so irreconcilable with any comprehension or any reason which I possess, that I hardly knew how to meet it. Why, sir, these United States consist of thirty States. In fifteen of them, there was slavery; in fifteen, slavery did not exist. How can it be argued that the fifteen slave States, by the operation of the constitution of the United States, carried into the ceded country their institution of slavery, any more than it can be argued, upon the other side, that by the operation of the same constitution, the fifteen free States carried into the ceded territories the principle of freedom, which they, from policy, have chosen to adopt within their limits? Let me suppose a case. Let me imagine that Mexico had never abolished slavery there at all. Let me suppose that it was existing there, by virtue of law, from the shores of the Pacific to those of the Gulf of Mexico, at the moment of the cession of those countries to us by the treaty in question. With what patience would gentlemen, coming from the slaveholding States, listen to an argument which should be urged by the free States, that notwithstanding the existence of slavery within those territories, the constitution of the United States, the moment it operated upon and took effect within the ceded territories, abolished slavery, and rendered them free? Well, is there not just as

much ground to contend, where a moiety of the States are free, and the other moiety are slave-holding States, that the principle of freedom which prevails in the one class shall operate as the principle of slavery which prevails in the other class of States shall operate? Can you, amidst this conflict of interests, of principles, and of legislation, which prevails in the two parts of the Union—can you come to any other conclusion than that which I understand to be the conclusion of the public law of the world, of reason, and of justice, that the *status* of law, as it existed at the moment of conquest or acquisition, remains unchanged until it is altered by the sovereign authority of the conquering or acquiring power? That is a great principle, and you can scarcely turn over a page of the public law where you will not find it recognized. The laws of Mexico, as they existed at the moment of the cession of the ceded territories to this country, remained their laws still, unless they were altered by that new sovereign power which this people and those territories came under, in consequence of the treaty of cession to the United States. I think, then, Mr. President—without trespassing further, or exhausting the little stock of strength which I have, and for which I shall have ample occasion in the progress of the argument—that I may leave that part of the subject with two or three observations only upon the power which, I think, appertains to this government upon the subject of slavery within these territories."

Now, sir, if these views of Mr. Clay be correct, how much are the people of Missouri indebted to Mr. Atchison, as the great protector of Southern rights, who, by his vote and his influence, brought about this state of things? It is well known that Gen. Shields, of Illinois, defended himself before his constituents, for having voted for the Kansas-Nebraska bill, upon the ground, that slavery was not established in Kansas in consequence of the repeal of the Missouri Compromise. And it is also known that President Pierce expressed his surprise to Senator Clemens, of Alabama, that any Northern man should oppose the bill, for the reason, that because of the Badger Proviso. He viewed it as the very *magna charta* of freedom in the territories.

If need be I might go further, and prove by the conduct of the gentleman from St. Louis, (Mr. Goode,) in his advocacy of the Kansas and Nebraska bill, that he and his friend (Mr. Atchison) have placed themselves in a position, wholly inconsistent, and irreconcilable. It will be observed, that the effect of the Badger Proviso, above referred to, is to LEGISLATE SLAVERY out of KANSAS; for without it, a law would at once have been revived, "*re-establishing*" this institution there! and I would remind the gentleman also, that the Kansas-Nebraska bill contains a section providing for the rendition of fugitive slaves, escaping into these territories, thus proving, that the very bill, for the passage of which, he would reflect Mr. Atchison to the Senate, contains two clauses LEGISLATING UPON THE SUBJECT OF SLAVERY IN THE TERRITORIES, and one of them, in direct opposition to the best interests of the people of Missouri!

Upon the question of slavery, I think, I may safely say, that the great Whig party of Missouri, is sound and conservative, ready to resist illegal Northern aggression and abolitionism on the one hand, and to suppress Southern fanaticism and nullification on the other. Above all things the people want repose upon this question. The safety of their property, the integrity of the Union, and the permanency of the Government itself, cries aloud against further agitation! Let it cease!

Mr. President, I will now say that I deprecate all controversy and division in the Whig party. I may say that I have been born into that party, that I have grown up with it, and that I have fought for it, and fought with it ever since I began to play a part upon the stage of life. I may well regard with contempt any imputation upon my orthodoxy, and spurn the application of any test imported from the political workshops of South Carolina, and now attempted to be naturalized in Missouri, by a few crazy experimentalists. I may very well spurn the application of a test which would make Henry Clay a freesoiler, and Daniel Webster an abolitionist. My loyalty to the Whig party is based upon reason and patriotism, for I revere it as the guardian of the purity and permanency of our institutions. National and conservative in its character, it stands upon the centre, and checks with steady hand the eccentric movements of Northern and Southern ultraism. Its firm and steadfast bearing is not affected by any plausible and delusive cry, such as Southern rights or the rights of humanity, which the demagogue originates, and which sectional feeling adopts and reiterates. Nor does it stoop from its propriety under any temporary excitement, or any sudden panic. The poles of the axis on which it revolves, are Liberty and Union, and North and South are not laid down upon its chart. Sir, the epoch in which we live is an important one. Looking across the ocean, we behold the great nations of the old world engaged in a desperate and tremendous conflict, which, in all probability, will shake monarchs from their thrones, and obliterate the ancient landmarks between the nations. That fierce struggle, in its progress, may sweep into its current the civilization and intellectual greatness of Europe, and bear them down to one common abyss of ruin. Let us, on this continent,—on this fair heritage which God has given us—and where he has planted the grandest institutions he has yet vouchsafed to man—cultivate cordial feelings and magnanimous sentiments. Let us trample upon those novel and disorganizing doctrines, whether wafted hither from the North or from the rank political soil of South Carolina, and which are dangerous to our State, and which, if allowed to flourish, may rend us in fragments.

May our beloved country never afford a parallel to the old world in its present state, and may we, the citizens of that proud country, labor to realize the prediction of the poet and philosopher who gazed upon us from the shores of the most western land in Europe, and who realized, as the curtain of the future was uplifted before his inspired vision, and he saw the American Republic, the last born of the nations, great and glorious, that "Time's noblest Empire is the last."

[Enthusiastic applause succeeded the termination of Mr. Rollins' speech.]

The following eloquent tribute to the worth and memory of Dr. Linn fell from the lips of Col. Rollins, a whig member of the Missouri Legislature in 1855, twelve years after Dr. L. had passed away :—

Mr. Rollins said he had just heard the bill read, and his attention was called to it by the mention of the name of Lewis F. Linn. His heart was always touched, when the memory and services of our distinguished men, who had passed from the stage of action, were brought in review before him, and by none sooner than by the name of Lewis F. Linn!

Mr. Rollins said he had enjoyed but a slight personal acquaintance with that good and noble man; but it was one of the pleasing memories of his life, the day that he formed his acquaintance, now twenty four years ago, almost a quarter of a century. Mr. R. said when he was a youth, having just left college, he paid his first visit to Jefferson City. On the hill, near the Governor's house, stood the old capitol of the State. The General Assembly was in session. Dr. Linn was a member of the Senate, the most graceful, elegant and accomplished gentleman of that body. Mr. R. said he remembered his warm and cordial reception, when he was introduced to him. An impression had been made upon his youthful heart which would never be effaced. From that time he had watched with solicitude and deep interest the career of Dr. Linn. After having served Missouri faithfully and honorably as a legislator, a vacancy occurring in the U. S. Senate, in consequence of the death of Senator Buckner, he was transferred by the appointment of Governor Dunklin, to that body. He entered that forum of distinguished men a stranger, but on account of his high and chivalrous impulses, his noble and manly bearing, the beauty and gracefulness of his whole character, he won at once an enviable position in the Senate; and Mr. R. said he would

venture to say that few men had exerted a wider influence over the deliberations of the American Senate, for the length of time that he remained there, than Dr. Linn. He was a poet as well as a statesman; his character became national, and he was not only respected but beloved by all who knew him. He was twice elected to the Senate, and almost without opposition. Whilst there, and up to the day of his death, his energies and best efforts, in the vigor and prime of manhood, were devoted to the promotion of the interests of the people who had thus honored him. He was loyal and faithful to Missouri; he was alive to everything that concerned her honor, her prosperity and her glory, and the National statute book abounds with many acts, of which he was the author, and intended to promote our advancement.

It is appropriate, on this occasion, to mention at least one of those acts. I refer to that by which the Platte purchase was attached to our State. Without doing injustice to the honorable efforts of others, he might be permitted to say, that we were more indebted to Dr. Linn and Gen. Ashley for this beautiful addition to our State, than to any other persons. And Mr. R. said if this was all, it was sufficient of itself to entitle him to the lasting gratitude and affectionate remembrance of our people.

Look to the Platte—the six splendid counties of the Platte county—the El Dorado of our State, the most fertile and beautiful portion of Missouri—he might say of the Mississippi Valley—he might say of the Union; a land flowing with milk and honey, as rich as the valley of the Nile, and as charming to the vision as that which opened upon the sight of Moses, when he beheld the bright and lovely heritage which God had given him. For this addition to our State, now filled with a rich, intelligent, and powerful people, we are chiefly indebted to the active zeal and devoted patriotism of Lewis F. Linn! And now we are asked, through his warm personal friend, whilst he lived, (Mr. Bogy,) to make a small appropriation out of the overflowing treasury of this same people, whom it so much delighted him to serve, to be expended to pro-

tect from the rude decay of time the chaste and beautiful monument, erected by the hand of taste, and which marks the spot that contains his ashes. Sir, let the bill pass, and let there be no dissenting voice !

One other remark, Mr. R. said, and he was done. We are too careless and indifferent in treasuring the memory of our departed statesmen—those who aided in laying the foundations of society on this great river, and to whom we are indebted for the very State government under which we live, and have grown and prospered.

“Forget not the faithful dead” is a holy and pious sentiment, which should be deeply engraven upon the heart of every cultivated people ; and it is as much by the observance of its sacred injunction, that we ourselves will be remembered and honored hereafter, as by the physical improvement of our country, and the building of it up, in all the arts of civilized life. What steps have we as yet taken to rescue from the deep sea of oblivion, the great deeds of the early pioneers of our state? Where is the Historical Society of Missouri? and where are the monuments which a grateful people have raised to perpetuate the noble deeds of the Boones, the Callaways, the Coopers, the Bartons, the Clarks, the Ashleys and the Millers of our State? These men have passed from the stage of action,

“And memory o’er their tombs no trophies raise.”

Sir, this should not be. And in passing the bill introduced by my friend from Ste. Genevieve, reviving as it does a recollection of the virtues of the lamented Linn, let a kindlier patriotism animate our breasts, that at no distant day we may discharge the heavy debt of gratitude due to the memory and character of other departed pioneers and statesmen.

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